

Migratory Bird Conservation Account

Appropriations Language

This activity does not require appropriations language, except for advances, which are not being requested, as there is permanent authority to use the receipts.

Authorizing Statutes

The Migratory Bird Conservation Act, as amended (16 U.S.C. 715), establishes a Migratory Bird Conservation Commission to approve areas recommended for acquisition by the Secretary of the Interior. The Act authorizes the Secretary of the Interior to acquire migratory bird areas approved by the Commission.

National Wildlife Refuge System Administration Act, as amended (16 U.S.C. 668dd-ee), requires payment of fair market value for any right-of-way easement or reservation granted within the refuge system. These funds are to be deposited in the Migratory Bird Conservation Account.

Wetlands Loan Act, as amended (16 U.S.C. 715k-3 through 715k-5), authorizes the appropriation of advances (not to exceed \$200 million, available until expended) to accelerate acquisition of migratory waterfowl habitat. To date, \$197,439,000 was appropriated under this authority. Funds appropriated under the *Wetlands Loan Act* are merged with receipts from sales of "duck stamps" and other sources and made available for acquisition of migratory bird habitat under provisions of the *Migratory Bird Conservation Act* or the *Migratory Bird Hunting and Conservation Stamp Act*.

Migratory Bird Hunting and Conservation Stamp Act, as amended (16 U.S.C. 718), This Act requires all waterfowl hunters 16 years of age or older to possess a valid Federal Migratory Bird Hunting and Conservation Stamp (commonly known as a "Duck Stamp"). Funds from the sale of this stamp are placed in the Migratory Bird Conservation Fund established by this Act. The Act also authorizes the Secretary of the Interior to acquire waterfowl production areas.

Emergency Wetlands Resources Act of 1986, (16 U.S.C. 3901), provides for: (1) an amount equal to the amount of all import duties collected on arms and ammunition to be paid quarterly into the Migratory Bird Conservation Account; (2) seventy percent of admission fees collected at units of the National Wildlife Refuge System to be deposited into the Migratory Bird Conservation Account; (3) removal of the repayment provision of the wetlands loan; and (4) the graduated increase in the price of the Migratory Bird Hunting and Conservation Stamp over a five year period to \$15.00. The 1996 and subsequent Appropriations Act eliminated the deposits of admission fees to the Migratory Bird Conservation Account for those refuges participating in the Recreational Fee Demonstration Program.

MIGRATORY BIRD CONSERVATION ACCOUNT

Migratory Bird Conservation Account	2002 Actual	2003 Estimate	Uncontrollable & Related Changes (+/-)	Program Changes (+/-)	2004 Budget Request	Change From 2003 (+/-)
Duck Stamp and Misc. Receipts \$(000)	24,428	25,500	0	0	25,500	0
Import Duties on Arms and Ammunition \$(000)	17,438	16,500	0	0	16,500	0
Entrance Fees \$(000)	189	250	0	0	250	0
Cost Allocation Methodology \$(000)	[1,466]	TBD	0	0	TBD	0
Total, \$(000) Migratory Bird Conservation Account	42,055	42,250	0	0	42,250	0
FTE	85	75	0	0	75	0

2004 Program Overview

The Service acquires important migratory bird breeding areas, migration resting places, and wintering areas under terms of the *Migratory Bird Conservation Act* and the *Migratory Bird Hunting and Conservation Stamp Act*. Areas acquired become units of the National Wildlife Refuge System. These acquisitions, through state-level review, contribute to the Secretary's goal to conserve resources through cooperation, consultation and communication. Under the draft DOI Strategic Plan, acquisitions support the Resource Protection goal to sustain biological communities on DOI managed or influenced lands.

Service policy is to acquire land and water interests including, but not limited to, fee title, easements, leases, and other interests. We encourage donations of desired lands or interests. The Service acquires land and waters consistent with legislation, other congressional guidelines, and Executive Orders for the conservation, management, and where appropriate, restoration of ecosystems, fish, wildlife, plants and related habitat, and to provide compatible, wildlife-oriented public use for education and recreational purposes.

The Service considers many factors before seeking approval for acquisition, including:

- value of the habitat to the waterfowl resource (in general or for specific species)
- degree of threat to these values due to potential land use changes
- possibility of preserving habitat values through means other than Service acquisition, and
- long-term operations and maintenance costs associated with acquisition.

The Service focuses its acquisition efforts, with state-level review and input, to benefit waterfowl species most in need of habitat protection. The waterfowl habitat acquisition program supports the Service's emphasis on nine waterfowl National Resource Species (black duck, cackling Canada goose, canvasback,

mallard, Pacific brant, Pacific white-fronted goose, pintail, redhead, and wood duck).

The Migratory Bird Conservation Commission (MBCC) is responsible for considering, and approving for acquisition, areas of migratory bird habitat (other than waterfowl production areas) that have been submitted by regional offices and recommended by the Secretary. The Secretary is authorized to approve purchases of waterfowl production areas under the *Migratory Bird Hunting and Conservation Stamp Act*. The MBCC:

- is composed of representatives from the Legislative and Executive Branches of government,
- fixes the price at which such areas may be purchased or rented,
- meets three times a year (normally March, June and September), and
- reports annually to Congress through its chairman, the Secretary of the Interior.

To carry out these approved projects, MBCA funds support a staff of realty specialists, appraisers, surveyors, realty assistants, cartographers and program managers. This staff performs detailed, legally technical duties including appraisals, boundary surveys, mapping, landowner negotiations, title curative work, case closures, and post-acquisition tracking resulting from land acquisition at national wildlife refuges and waterfowl production areas with MBCA funding. For FY 2004, the Service will continue to emphasize programmatic right-sizing through contracting of commercial activities such as appraisals, cartography and surveying.

The Service is in the process of developing a new operational performance plan that directly aligns all program activities and objectives with the Secretary's four strategic plan mission components - Resource Protection, Resource Use, Recreation, and Serving Communities. The operational plan will contain new long-term and annual performance goals and measures to guide the delivery of program implementation, management reform, and budget formulation. The alignment and integration of program performance with budget formulation will provide the context for transparent accountability and the foundation for continual improvement. The Service anticipates completion of a new operational plan by fall of 2003.

2002 Program Performance Accomplishments

STATE	Accomplishments FY 2002 Acres	FY 2002 Acquisition Costs & Misc. Lease Payments
Arkansas	1,352	\$1,894,000
California	637	\$944,800
Colorado	0	\$192,691
Idaho	149	\$203,000
Iowa	1,417	\$2,980,650
Louisiana	2,760	\$3,969,625
Maine	3,321	\$1,330,236
Maryland	199	\$611,397
Massachusetts	2	\$9,600
Michigan	-468	\$0

MIGRATORY BIRD CONSERVATION ACCOUNT

Minnesota	2,897	\$2,026,035
Mississippi	760	\$983,055
Montana	5,609	\$1,619,276
Nebraska	0	\$1,789
New Hampshire	2,929	\$1,528,275
New Jersey	160	\$203,400
New York	50	\$25,000
North Carolina	1,298	\$1,112,180
North Dakota	6,462	\$1,093,900
Oklahoma	460	\$621,000
South Dakota	37,029	\$6,617,217
Tennessee	435	\$576,500
Texas	1,293	\$660,570
Utah	0	\$13,896
Virginia	376	\$1,058,000
Washington	331	\$1,088,500
Wisconsin	425	\$1,295,037
Wyoming	320	\$4,168
TOTAL	70,203	\$32,663,797

Note: When dollars appear with zero acres it usually indicates an annual lease payment (e.g., in Nebraska). Zero acres may also appear if we purchase fee title on an existing easement (e.g., in Colorado + 611 fee acres and - 611 easement acres = 0 net acres).

For the purposes of reporting number of acres added to the National Wildlife Refuge System under the draft DOI Strategic Plan, acquisitions from the Migratory Bird Conservation Account are combined with acquisitions from the Land Acquisition Account. The combined acquisitions (reported in the Land Acquisition section of the budget justifications) support the Resource Protection goal to sustain biological communities on DOI lands.

From 1935 to 2002 the Migratory Bird Conservation program has generated roughly \$728,601,988 in receipts for the acquisition of wetlands important to waterfowl. The *Migratory Bird Conservation Act* directs these funds, along with proceeds from import duties on certain firearms and ammunition, refuge entrance fees, payments from rights-of-way on refuges, sale of refuge lands and reverted Federal Aid funds, be deposited in the MBCA. Cumulative disbursements from this fund (which included some appropriations in the early years) have been used to purchase some 2,919,517 acres in fee title and 2,183,104 acres of easements or leases. At the close of FY 2002, a total of 5,102,621 acres with a purchase price of \$806,550,549 have been protected.

The mix of acreage available for protection by conservation easement or fee title acquisition varies from year to year, depending, in part, on the wishes of the landowners involved. About 70 percent of the total 70,205 acres purchased under the program during FY 2002 were protected by acquiring conservation easements. Easements are agreements that allow the private landowner to retain ownership of the land with certain restrictions on specified activities within that portion of the property that is under the conservation easement; for example, draining or filling the wetland or burning the associated grassland in the easement area may be prohibited. These perpetual easements cost a fraction of what it would cost to acquire fee interest in the land, though the actual percentage varies depending on the market value and the restrictions imposed. Our easement program benefits taxpayers, landowners and conservationists alike, and is a prime example of a federal program that works on all levels. In addition, landowners continue to pay the taxes on their easement property.

Acre Acquired By Fee and Easement
FY 1998 - 2002

FY	Fee	Easement	Total
2002	21,274	48,931	70,205
2001	22,300	79,292	101,592
2000	30,507	76,309	106,816
1999	54,548	61,610	116,158
1998	34,082	68,282	102,364
Total	162,711	334,424	497,135

The Duck Stamp receipts vary annually depending upon waterfowl population levels, bag limits, and economic conditions. Approximately 58 percent of funding for the MBCA in 2002 came from the sale of Duck Stamps. The number of stamps sold in FY 2002 rose slightly to about 1.6 million. Costs for printing and distribution of the stamps are deducted from the revenues; the balance is directed to acquisition of refuges and waterfowl protection areas.

Import duties collected on arms and ammunition are deposited into the MBCA, as specified by the *Emergency Wetland Resources Act of 1986* (P.L. 95-645), and constituted approximately 40 percent of receipts in FY 2002. The *Emergency Wetland Resources Act of 1986* also included a provision for establishment and collection of entrance fees at national wildlife refuges, with 70 percent of the fee receipts to be deposited into the MBCA and 30 percent to be allocated for refuge operations and maintenance. The FY 2002 entrance fees deposited to MBCA were less than 1 percent of total MBCA receipts. The Recreational Fee Demonstration Program authorized by *FY 1996 Omnibus Appropriations Act*, as amended, allows participating refuges to retain fees collected at participating field stations from FY 1997 through FY 2004, with spending authority through FY 2007. The 104 refuges participating in the Recreation Fee Demonstration Program do not contribute to the MBCA. Refuges participating in the original program authorized under the *Emergency Wetland Resources Act of 1986* continue to deposit 70 percent of funds collected to the MBCA.

2003 Performance Goal Estimates

STATE	Estimated Acres FY 2003	Estimated Acquisition Costs FY 2003
Misc. Lease Payments		\$ 128,141
Arkansas	2,122	\$ 2,175,700
California	6,171	\$ 3,750,000
Colorado	1,000	\$ 900,000
Georgia	2,174	\$ 1,650,000
Iowa	750	\$ 1,400,000

MIGRATORY BIRD CONSERVATION ACCOUNT

Maine	2,127	\$ 520,000
Maryland	89	\$ 140,000
Massachusetts	76	\$ 303,000
Michigan	150	\$ 700,000
Minnesota	2,300	\$ 3,100,000
Montana	14,053	\$ 1,695,000
New Jersey	775	\$ 850,000
North Dakota	5,500	\$ 810,000
Oklahoma	170	\$ 210,000
South Dakota	55,000	\$ 4,800,000
Tennessee	1,091	\$ 1,065,000
Texas	7,776	\$ 4,451,800
Vermont	524	\$ 600,000
Virginia	1,250	\$ 1,002,300
Washington	340	\$ 455,000
Wisconsin	555	\$ 630,000
TOTALS	103,993	\$ 31,335,941

Note: The FY 2003 program performance is based on the assumption that every project that is tentatively being planned will be submitted and subsequently approved by the Migratory Bird Conservation Commission.

For the purposes of reporting number of acres added to the National Wildlife Refuge System under the draft DOI Strategic Plan, acquisitions from the Migratory Bird Conservation Account are combined with acquisitions from the Land Acquisition Account. The combined acquisitions (reported in the Land Acquisition section of the budget justifications) support the Resource Protection goal to sustain biological communities on DOI lands.

To better align program responsibilities, the Service transferred management of the Duck Stamp program from General Operations to the Migratory Bird program in the Resource Management account. As a separate branch it will continue to perform the important functions it always has relative to conducting the Duck Stamp Contest, coordinating the Junior Duck Stamp Program, ensuring the availability and distribution of stamps to the customers (hunters, collectors, and conservationists), overseeing the licensing of the images, and more. The reorganization provides for a greater sharing of expertise between the Division of Bird Habitat Conservation and the Duck Stamp Program and enhanced collaboration within the Service to further the Secretary's 4-C vision.

Program Performance Summary

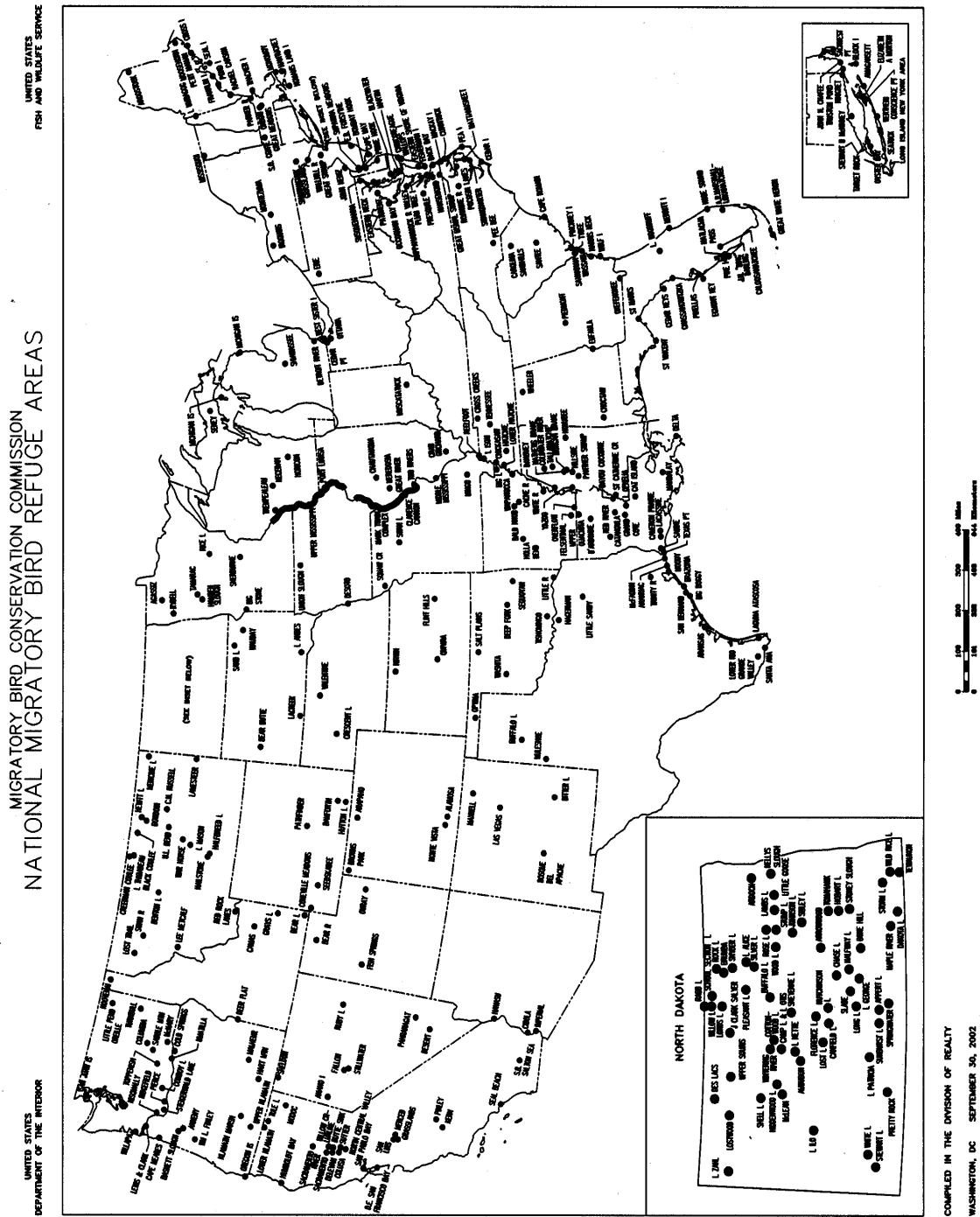
See performance summary reported in Land Acquisition section of the budget justifications for details. The program directly supports the draft Resource Protection goal to sustain biological communities on DOI managed lands and waters, and contributes to additional goals regarding recreational use, protecting

cultural and natural heritage resources, and serving communities.

Workload Indicators						
Subactivity	Actual FY 2002		Estimated FY 2003		Estimated FY 2004	
	(\$000)	Acres	(\$000)	Acres	(\$000)	Acres
Refuge Acquisition	19,514	24,450	19,487	30,938	19,850	31,507
Waterfowl Production Areas	15,617	73,091	15,520	73,055	15,800	73,488
Duck Stamp Printing and Distribution	975	-	975	-	450	-
Total	36,106	97,541	35,982	103,993	36,100	104,995

Relationship of Program Changes to Performance Goals

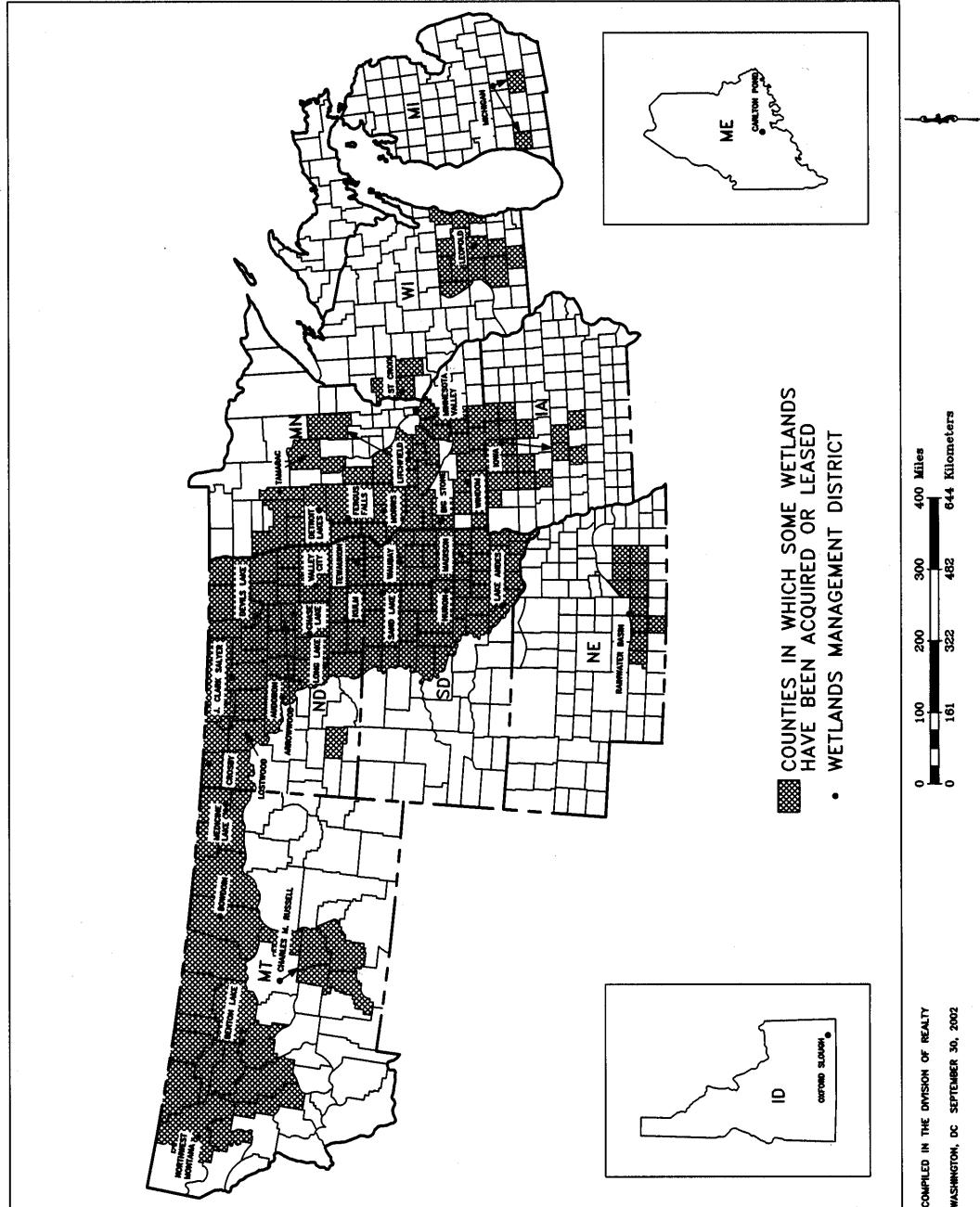
The Service has not yet developed performance measures for this program. Measures will be developed as part of the Service's operational plan. The Service is in the process of developing a new operational performance plan that directly aligns all program activities and objectives with the Secretary's four strategic plan mission components – Resource Protection, Resource Use, Recreation, and Serving Communities. The operational plan will contain new long-term and annual performance goals and measures to guide the delivery of program implementation, management reform, and budget formulation. The alignment and integration of program performance with budget formulation will provide the context for transparent accountability and the foundation for continual improvement. The Service anticipates completion of a new operational plan by September 2003.



WATERFOWL PRODUCTION AREAS

UNITED STATES
FISH AND WILDLIFE SERVICE

UNITED STATES
DEPARTMENT OF THE INTERIOR



MIGRATORY BIRD CONSERVATION ACCOUNT

Summary of Requirements by Object Class (Dollar Amounts in Thousands)								
Appropriation: Migratory Bird Conservation Account								
	2003 Estimate		Uncontrollable & Related Changes (+/-)		Program Changes (+/-)		2004 Request	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
<u>Object Class:</u>								
11 Personnel compensation								
11.1 Full-time permanent	75	5,206	-	-	-	249	75	5,455
11.3 Other than full-time permanent	-	44	-	-	-	3	-	47
11.5 Other personnel compensation	-	93	-	-	-	4	-	97
Total personnel compensation	75	5,343	0	0	0	256	75	5,599
12.1 Civilian personnel benefits	-	1,362	-	-	-	65	-	1,427
13.0 Benefits for former personnel	-	7	-	-	-	0	-	7
21.0 Travel and transportation of persons	-	334	-	-	-	5	-	339
22.0 Transportation of things	-	91	-	-	-	1	-	92
23.2 Rental payments to others	-	1	-	-	-	0	-	1
23.3 Communications, utilities & misc. charges	-	560	-	-	-	8	-	568
24.0 Printing and reproduction	-	17	-	-	-	1	-	18
25.2 Other services	-	1,205	-	-	-	18	-	1,223
25.3 Purchases of goods & services from Gov't. Accounts	-	1,291	-	-	-	19	-	1,310
25.4 Operation & maintenance of facilities	-	1	-	-	-	0	-	1
25.7 Operation & maintenance of equipment	-	12	-	-	-	0	-	12
26.0 Supplies & materials	-	157	-	-	-	2	-	159
31.0 Equipment	-	323	-	-	-	5	-	328
32.0 Land & structures	-	31,546	-	-	-	-380	-	31,166
Total requirements	75	42,250	0	0	0	0	75	42,250

Standard Form 300

DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
MIGRATORY BIRD CONSERVATION ACCOUNT

Unavailable Collections (in thousands of dollars)			
Identification code 14-5137-0-2-303	2002 Actual	2003 Estimate	2004 Estimate
01.99 Balance, start of year	0	0	0
Receipts:			
02.01 Migratory bird hunting and conservation stamps	24,428	25,500	25,500
02.02 Import duties on arms and ammunition	17,438	16,500	16,500
02.03 Entrance fees, refuge units	189	250	250
02.99 Total receipts and collections	42,055	42,250	42,250
Appropriations:			
05.01 Migratory Bird Conservation Account (-)	-42,055	-42,250	-42,250
07.99 Balance, end of year	0	0	0

Program and Financing (in thousands of dollars)			
Identification code 14-5137-0-2-303	2002 Actual	2003 Estimate	2004 Estimate
Obligations by program activity:			
00.01 Printing and sale of hunting stamps	975	750	750
00.02 Migratory Bird Conservation Commission	6	7	7
00.03 Acquisition of refuges and other areas	45,551	42,109	41,555
10.00 Total obligations	46,532	42,866	42,312

Budgetary resources available for obligation:			
21.40 Unobligated balance carried forward, start of year	8,890	5,129	4,513
22.00 New budget authority (gross)	42,055	42,250	42,250
22.10 Resources available from recoveries of prior year obligations	716	0	0
23.90 Total budgetary resources available for obligation	51,661	47,379	46,763
23.95 Total new obligations (-)	-46,532	-42,866	-42,312
24.40 Unobligated balance carried forward, end of year	5,129	4,513	4,451

New budget authority (gross), detail:			
Permanent:			
60.20 Appropriation (special fund)	42,055	42,250	42,250
70.00 Total new budget authority (gross)	42,055	42,250	42,250

MIGRATORY BIRD CONSERVATION ACCOUNT

Standard Form 300

**DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
MIGRATORY BIRD CONSERVATION ACCOUNT**

Program and Financing (in thousands of dollars)			
Identification code 14-5137-0-2-303	2002 Actual	2003 Estimate	2004 Estimate
<u>Change in obligated balances:</u>			
72.40 Obligated balance, start of year	18,899	14,433	15,108
73.10 Total new obligations	46,532	42,866	42,312
73.20 Total outlays, gross (-)	-50,282	-42,191	-42,250
73.45 Recoveries of prior year obligations (-)	-716	0	0
74.40 Obligated balance, end of year	14,433	15,108	15,170

<u>Outlays, (gross) detail:</u>			
86.97 Outlays from new mandatory authority	29,439	29,575	29,575
86.98 Outlays from mandatory balances	20,843	12,616	12,675
87.00 Total outlays (gross)	50,282	42,191	42,250

<u>Net budget authority and outlays:</u>			
89.00 Budget authority	42,055	42,250	42,250
90.00 Outlays	50,282	42,191	42,250

Object classification (in thousands of dollars)			
Identification code 14-5137-0-2-303	2002 Actual	2003 Estimate	2004 Estimate
<u>Direct obligations:</u>			
Personnel compensation:			
11.1 Full-time permanent	5,624	5,206	5,455
11.3 Other than full-time permanent	48	44	47
11.5 Other personnel compensation	100	93	97
11.9 Total personnel compensation	5,772	5,343	5,599

Standard Form 300

DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
MIGRATORY BIRD CONSERVATION ACCOUNT

12.1 Civilian personnel benefits	1,471	1,362	1,427
13.0 Benefits for former personnel	7	7	7
21.0 Travel and transportation of persons	328	334	339
22.0 Transportation of things	89	91	92
23.2 Rental payments to others	1	1	1
23.3 Communications, utilities, and miscellaneous charges	550	560	568
24.0 Printing and reproduction	17	17	18
25.2 Other services	1,184	1,205	1,223
25.3 Purchase of goods and services from Government accounts	1,268	1,291	1,310
25.4 Operation and maintenance of facilities	1	1	1
25.7 Operation and maintenance of equipment	12	12	12
26.0 Supplies and materials	154	157	159
31.0 Equipment	317	323	328
32.0 Land and structures	35,361	32,162	31,228
99.9 Total new obligations	46,532	42,866	42,312

Personnel Summary			
Identification code 14-5137-0-2-303	2002 Actual	2003 Estimate	2004 Estimate
<u>Direct:</u>			
Total compensable workyears:			
1001 Full-time equivalent employment	85	75	75
Average salary per FTE	67,906	71,247	74,652

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